

REMARKS

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicants acknowledge and appreciate receiving an initialed copy of the form PTO-1449 that was filed on February 26, 2004. A Supplemental IDS was filed on July 29, 2004, however, the Form 1449 enclosed therewith was not returned. Therefore, a Request for Return of the 1449 filed with the Supplemental IDS is enclosed herewith.

Claims 4 – 11 are pending. Claims 1 – 3 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 - 7 were objected to for various informalities. Inasmuch as the wording objected to has been corrected in the amended claims, the examiner is respectfully requested to withdraw the objection.

Claims 1 – 5 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,280,161, Niwa (“Niwa”). Claims 6 – 7 were rejected under 35 USC 103(a) as being unpatentable over Niwa in view of U.S. Patent No. 6,601,768, McCall (“McCall”) and U.S. Patent No. 6,866,198, Patel et al. (“Patel”). Claims 1 and 3 have been canceled and incorporated into claim 4. Insofar as the rejection can be applied to the claims as amended, the rejections are respectfully traversed for reasons including the following, which are provided by way of example.

One or more aspects of embodiments provide for “the radii of curvature of the convex lens tiers 32a and the concave lens tiers 22b in the multi-tiered lens unit surface 32 stand at

different values at the peripheral portion and the central side portion. Concretely, the radii of curvature R3 and R4 at the peripheral portion are set to be larger than the radii of curvature R1 and R2 at the central side portion. This causes the peripheral portion and the central side portion in the illumination lens device 31 to have different optical characteristics” (Specification page 12, line 25 – page 13, line 2.)

Independent claim 4, as amended, recites in combination “said illumination lens means including a multi-tiered lens unit in which a plurality of concave lens tiers and a plurality of convex lens tiers are alternatively disposed ...” and “in said illumination lens means, said multi-tiered lens unit is made such that a radius of curvature of said peripheral portion of said multi-tiered lens is set to be larger than a radius of curvature of said central side portion thereof configured to make a variation in radius of curvature vary between said peripheral portion and said central side portion for producing the different optical characteristics.”

Without conceding that Niwa discloses any feature of the present invention, Niwa is directed to an apparatus for optically reading a bar code. The office action asserts that Niwa discloses the invention as claimed. To the contrary, Niwa fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole.

In the current independent claim 4, as compared with Niwa, “a radius of curvature of said peripheral portion of said multi-tiered lens is set to be larger than a radius of curvature of said central side portion thereof.” The office action states that Niwa discloses an arrangement in which “the lens (20) comprises a peripheral portion and central side portion for generating different optical characteristic such as the peripheral portion has a light diffusion smaller than that of the central side portion (not shown), the lens having the first lens (14) or the multi-tiered lens unit wherein the first lens have various curvature radius as shown in figure 11(a) for

producing different characteristics of illumination lights...” To the contrary, according to Niwa, “The first lens 14 is an irregular semicylindrical member which is concave on a central part 14M along the length thereof as shown in FIG. 11(a). The curvature radius of convex parts 14N gradually decreases toward both side walls 14A which are vertical plane surfaces.” (Col. 4, lines 62 – 67.) This fails to teach or suggest the lens with a curvature as recited.

Niwa fails to teach or suggest, for example, these elements recited in independent claim 4. It is respectfully submitted therefore that claims 4 – 7 are patentable over Niwa.

Recognizing the deficiencies of Niwa with respect to claims 6 and 7, the office action cites McCall and Patel. The office action states the Niwa as modified by McCall teaches the optical code reader with the guide light source for generating a guide light, and as modified by Patel teaches a unique aiming pattern that is readily distinguishable by the user. However, McCall and Patel fail to remedy the deficiencies of Niwa outlined above.

For at least these reasons, the combination of features recited in independent claim 4, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Niwa clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claim 4, but also because of additional features they recite in combination.

New claims 8 – 11 have been added to further define the invention, and are believed to be patentable for reasons including these set out above. Support for new claim 8 is located in original claim 2. Support for claims 9 – 11 is located in the specification as filed, for example, page 7, lines 20 – 23; page 8, lines 11 – 14; and page 9, lines 4 – 18, respectively.

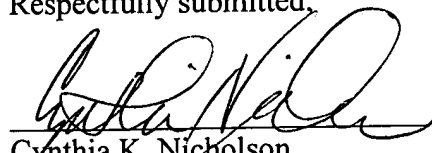
Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



Cynthia K. Nicholson
Reg. No. 36,880

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400